



**TOWN OF HARPSWELL
PLANNING BOARD MINUTES
SEPTEMBER 14, 2005**
Approved November 16, 2005

MEMBERS PRESENT

John Papacosma, Chairman
Dorothy Carrier, Vice Chairman
Joanne Rogers
Henry Korsiak
Kenneth Cichon, Associate Member

MEMBERS ABSENT

George Swallow

STAFF PRESENT

Jay Chace, Planner

The Town of Harpswell Planning Board meeting being duly advertised in the Times Record was called to order at 6:30 p.m. by John Papacosma, Chairman.

John Papacosma moved, seconded by Joanne Rogers, to appoint Kenneth Cichon a full voting member for this evening's meeting. Unanimous Approval

Minutes of August 17, 2005

Dorothy Carrier requested that the original text and language clarification that was amended be inserted into the minutes of August 17, 2005. Ms. Carrier also recommended the following correction to page one of the August 17, 2005 minutes:

"John Papacosma informed the Planning Board that this agenda item had been withdrawn and asked that the letter from Bowdoin College dated August 15, 2005, withdrawing that application be entered ~~to~~ in the record."

Joanne Rogers moved, seconded by Kenneth Cichon to accept the minutes as amended. Unanimous Approval

Dorothy Carrier reported on the site visit held on September 12, 2005 that was attended by Ms. Carrier, Kenneth Cichon, Joanne Rogers, Henry Korsiak, George Swallow and Jay Chace.

OLD BUSINESS

ITEM 1

05-08-01 S. James Morrell, Sunrise Builders, LLC (William McCollum – owner) Reconstruction of a Non-Conforming Structure, Replacement of Foundation, Shoreland Residential, Tax Map 25-83, Bailey Island (continued from the August 17, 2005 meeting).

S. James Morrell, representing William McCollum, described the problems with the existing foundation, the proposal to replace the foundation by either raising the existing structure or relocating the existing structure temporarily, the new septic system, grading, ledge removal, vegetation, and erosion control measures.

The Planning Board discussed removal of vegetation, what would determine whether the structure was temporarily relocated or raised, the foundation, lot size, slope, other structures on the property or adjacent to the property, septic system, and erosion control for both the proposed temporary location of the structure and the permanent location of the structure.

Planning Board consideration of Shoreland Zoning Ordinance § 10.3.1.2

10.3.1.2.1

Joanne Rogers moved, seconded by John Papacosma to find that the applicant meets the requirements of §10.3.1.2.1 as the foundation will not extend beyond the exterior dimensions of the building as it existed on January 1, 1989 or as expanded. Unanimous Approval

10.3.1.2.2

Joanne Rogers moved, seconded by Dorothy Carrier to find that the applicant meets the requirements of § 10.3.1.2.2 as the foundation will not cause the structure to be elevated any more than three additional feet. Unanimous Approval

10.3.1.2.3

Joanne Rogers moved, seconded by Kenneth Cichon to find that as it appears that the structure and new foundation will be placed such that the setback requirements are met to the greatest practical extent based on Planning Board discussion of the criteria specified in §10.3.2 with the consideration that erosion control will be handled on both the lot on which the house may be moved as well as the lot that the structure will be permanently situated. Unanimous Approval

Planning Board consideration of § 13.4.7 of the Basic Land Use Code

13.4.7.1 Will maintain safe and healthful conditions.

Joanne Rogers moved, seconded by John Papacosma to find that the applicant meets the requirements of § 13.4.7.1 conditioned upon appropriate erosion control measures being utilized on both pieces of property as previously discussed. Unanimous Approval

13.4.7.2 Will not result in water pollution, erosion, or sedimentation to surface waters.

Kenneth Cichon moved, seconded by Joanne Rogers to find that the applicant meets the requirements of §13.4.7.2 because the applicant has verified that they will use best management practices on both parcels of the project activity. Unanimous Approval

13.4.7.3 Will adequately provide for the disposal of all wastewater.

Dorothy Carrier moved, seconded by John Papacosma to find that the applicant meets the requirements of §13.4.7.3 as the applicant is proposing a new septic system design as noted by the Codes Enforcement Office. Unanimous Approval

13.4.7.4 Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat.

John Papacosma moved, seconded by Dorothy Carrier to find that the applicant meets the requirements of §13.4.7.4 as the proposal will not significantly alter the use of the parcel. Unanimous Approval

13.4.7.5 Will conserve shore cover and points of access to inland and coastal waters.

Dorothy Carrier moved, seconded by Joanne Rogers to find that the applicant meets the requirements of §13.4.7.5 as there will not be any significant change that will alter the use of this parcel. Unanimous Approval

13.4.7.6 Will protect archaeological and historic resources as identified in the Town's Comprehensive Plan, or by the Maine Historic Preservation Commission or the National Park Service.

Joanne Rogers moved, seconded by Dorothy Carrier to find that as the site is not identified by either the Harpswell Comprehensive Plan or the National Park Service and therefore § 13.4.7.6 is not applicable. Unanimous Approval

13.4.7.7 Will not adversely affect existing commercial fishing or maritime activities in a Commercial Fisheries I or II District

Joanne Rogers moved, seconded by Dorothy Carrier to find that the applicant meets the requirements of § 13.4.7.7 as the proposal will not significantly alter the use of the parcel. Unanimous Approval

13.4.7.8 Will avoid problems associated with flood plains development and use.

Dorothy Carrier moved, seconded by Kenneth Cichon to find that the applicant meets the requirements of § 13.4.7.8 as this site is not in the floodplain. Unanimous Approval

13.4.7.9 Is in conformance with the provisions of Section 15, Land Use Standards of the Shoreland Zoning Ordinance.

John Papacosma moved, seconded by Joanne Rogers to find that the applicant meets the dimensional standards of §15 of the Shoreland Zoning Ordinance where possible and those parts of the application that do not meet the requirements of §15 the Planning Board has reviewed the necessary standards of § 10.3. Unanimous Approval

Jay Chace, Town Planner, informed the applicant of the process from this point.

NEW BUSINESS

ITEM 1

05-09-01 Amber J. Mason, Reconstruction of Non-Conforming Structure, Replacement of Existing Structure, Shoreland Residential, Tax Map 53-59, 137 Wallace Shore Road, Harpswell.

Amber Mason described the proposal and the reduction in non-conformity. Ms. Mason presented an elevation certificate to the Planning Board explaining that she has just received this document and that is why it was not provided sooner.

The Planning Board held discussion on the ordinance's 30% expansion trigger, the reduction in non-conformity, lot size, slope, soil erosion, other structures on the property or adjacent to the property, vegetation to be removed, foundation, the septic system and the well. The Planning Board expressed concern that the septic system has not been inspected while being actively utilized and requested that the Codes Enforcement Office inspect the septic system on the site after the new structure is occupied.

Planning Board consideration of Shoreland Zoning Ordinance § 10.3.2.2

John Papacosma moved, seconded by Kenneth Cichon to find that the proposal will improve the conformity of the site; that the allowed increase applies to the reduced non-conforming area and; that the expansion will be in the conforming part of the lot and therefore the application meets the requirements of § 10.3.2.2 per Ms. Mason's proposal as presented. Unanimous Approval

Planning Board consideration of Section 13.4.7 of the Basic Land Use Code

13.4.7.1 Will maintain safe and healthful conditions.

Joanne Rogers moved, seconded by Dorothy Carrier to find that the applicant meets the requirements of § 13.4.7.1 as the proposal will meet the setbacks to the greatest practical extent. Unanimous Approval

13.4.7.2 Will not result in water pollution, erosion, or sedimentation to surface waters.

Joanne Rogers moved, seconded by John Papacosma, to find that the applicant meets the requirements of § 13.4.7.2 as the proposal will reduce the amount of non-conforming lot coverage and the applicant has provided a statement that best management practices will be utilized to control erosion. Unanimous Approval

13.4.7.3 Will adequately provide for the disposal of all wastewater.

Joanne Rogers moved, seconded by Dorothy Carrier with consideration given to the concerns expressed by the Planning Board with regard to adequacy during active use to find that the applicant meets the requirements of § 13.4.7.3 as the Codes Enforcement Office has stated that the existing system appears adequate for the scope of this project. Unanimous Approval

13.4.7.4 Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat.

Joanne Rogers moved, seconded by Dorothy Carrier to find that the applicant meets the requirements of § 13.4.7.4 as the proposal will reduce the amount of impermeable surface area located within the 75' setback and therefore should have less impact on the marine habitat. Unanimous Approval

13.4.7.5 Will conserve shore cover and points of access to inland and coastal waters.

Dorothy Carrier moved, seconded by Joanne Rogers to find that the applicant meets the requirements of § 13.4.7.5 as the proposal does not change the shore cover or points of access. Unanimous Approval

13.4.7.6 Will protect archaeological and historic resources as identified in the Town's Comprehensive Plan, or by the Maine Historic Preservation Commission or the National Park Service.

Joanne Rogers moved, seconded by Kenneth Cichon as the property has not been identified by the Comprehensive Plan or National Park Service for archaeological or historic resources that the applicant meets the requirements of § 13.4.7.6. Unanimous Approval

13.4.7.7 Will not adversely affect existing commercial fishing or maritime activities in a Commercial Fisheries I or II District

John Papacosma moved, seconded by Dorothy Carrier to find that the applicant meets the requirements of § 13.4.7.7 as it will not impact commercial fishing or maritime activities. Unanimous Approval

13.4.7.8 Will avoid problems associated with flood plains development and use.

Dorothy Carrier moved, seconded by Kenneth Cichon to find that the applicant meets the requirement of § 13.4.7.8 as the application site is not in the floodplain as confirmed by the certificate supplied to the Codes Enforcement Office. Unanimous Approval

13.4.7.9 Is in conformance with the provisions of Section 15, Land Use Standards of the Shoreland Zoning Ordinance.

John Papacosma moved, seconded by Dorothy Carrier to find that the application is in conformance with § 15 of the Shoreland Zoning Ordinance as reviewed by the Planning Board at the September 14, 2005 meeting. Unanimous Approval

ITEM 2

05-09-02 Victor Bellini, Reconstruction of Non-Conforming Structure, Exemption for Non-Conforming Foundation, Commercial Fishing, Tax Map 46-50, 32 Acadia Road, Harpswell.

Victor Bellini described the proposal to add three feet to the foundation under his existing structure. Mr. Bellini also described the septic system and grading of the site.

The Planning Board discussed the foundation, the slopes, the date the present foundation was installed, the septic system, the lot size, erosion, structures on the property, vegetation and exposed septic pipe.

Planning Board Consideration of Shoreland Zoning Ordinance § 10.3.1.2

10.3.1.2.1

John Papacosma moved, seconded by Joanne Rogers to find that the proposal will not alter the existing footprint of the building and therefore the application will meet this requirement. Unanimous Approval

10.3.1.2.2

John Papacosma moved, seconded by Dorothy Carrier to find that the proposal will not alter the existing footprint of the building by more than three feet and therefore the application meets this standard. Unanimous Approval

John Papacosma, Chair, opened the floor to members of the public who wished to comment on this agenda item.

None being seen, John Papacosma, Chair, closed the public portion of the meeting.

10.3.1.2.3

Dorothy Carrier moved, seconded by John Papacosma to find that the applicant meets the requirements of § 10.3.1.2.3 because the location is constrained due to the size of the lot, location of the septic system, and slope of the land; as well as there will be minimal infringement to any vegetation, no indication of potential soil erosion, and the proposal will meet setbacks to the greatest practical extent. Unanimous Approval

Board consideration of Section 13.4.7 of the Basic Land Use Ordinance

13.4.7.1 Will maintain safe and healthful conditions.

Joanne Rogers moved, seconded by Dorothy Carrier to find that the applicant meets the requirements of § 13.4.7.1 as the conditions on the property will not be significantly altered because of this proposal. Unanimous Approval

13.4.7.2 Will not result in water pollution, erosion, or sedimentation to surface waters.

Joanne Rogers moved, seconded by John Papacosma to find that the applicant meets the requirements of § 13.4.7.2 as the applicant has provided a statement that best management practices will be utilized to control erosion. Unanimous Approval

13.4.7.3 Will adequately provide for the disposal of all wastewater.

Joanne Rogers moved, seconded by Dorothy Carrier to find that the applicant meets the requirements of § 13.4.7.3 as an overboard discharge systems has been replaced with an approved subsurface wastewater system. Unanimous Approval

13.4.7.4 Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat.

Dorothy Carrier moved, seconded by John Papacosma to find that the applicant meets the requirements of § 13.4.7.4 in that this proposal will not significantly alter the usage of the parcel. Unanimous Approval

13.4.7.5 Will conserve shore cover and points of access to inland and coastal waters.

Dorothy Carrier moved, seconded by John Papacosma to find that the applicant meets the requirements of § 13.4.7.5 in that the proposal is not going to alter the access to the water. Unanimous Approval

13.4.7.6 Will protect archaeological and historic resources as identified in the Town's Comprehensive Plan, or by the Maine Historic Preservation Commission or the National Park Service.
Kenneth Cichon moved, seconded by John Papacosma to find that the application meets the requirements of § 13.4.7.6 as the applicant has submitted a letter from the Maine Historic Preservation Commission stating that this proposal will have no impact on historic sites. Unanimous Approval

13.4.7.7 Will not adversely affect existing commercial fishing or maritime activities in a Commercial Fisheries I or II District
Joanne Rogers moved, seconded by John Papacosma to find that the applicant meets the requirements of § 13.4.7.7 as the proposal will not significantly alter the usage of the parcel. Unanimous Approval

13.4.7.8 Will avoid problems associated with flood plains development and use.
Dorothy Carrier moved, seconded by Kenneth Cichon to find that the applicant meets the requirements of § 13.4.7.8 as it is not in the floodplain zone. Unanimous Approval

13.4.7.9 Is in conformance with the provisions of Section 15, Land Use Standards of the Shoreland Zoning Ordinance.
John Papacosma moved, seconded by Dorothy Carrier to find that the applicant meets the requirements of § 13.4.7.9 in that the application meets the dimensional standards of § 15 in the Shoreland Zoning Ordinance to the most practical extent and for those parts of the application that do not meet the requirements of § 15, the Planning Board has reviewed the necessary standards of § 10.3. Unanimous Approval

ITEM 3

05-09-03 Rebecca Dyer, Reconstruction of Non-Confirming Structures, Replacement of Existing Structures, Interior, Tax Map 28-100, 20 Little Island Road, Orr's Island.

Randall and Rebecca Dyer described the proposal to replace the existing structures on the site. Mr. Dyer pointed out how this proposal would reduce the non-conformity of the site and thanked the Codes Office and Planning Department for their assistance in preparing this application.

Jay Chace, Town Planner, stated that since the writing of his memorandum to the Planning Board that the Dyer's have submitted a proposal that meets the standards of the ordinance. Mr. Chace provided the Planning Board with updated documentation on the wastewater disposal system, an updated Codes Enforcement Office memorandum, a quick claim deed, calculations regarding lot coverage and expansion numbers.

The Planning Board discussed the expansion percentage and the new documentation presented.

John Papacosma, Chair, opened the floor to members of the public who wished to comment.

Dr. Phil Sumner stated that he was in support of this proposal and thought it would benefit the community greatly.

No further comment being seen, John Papacosma, Chair, closed the public portion of the meeting.

The Planning Board discussed the natural characteristics of the lot including size, slope, soil erosion, location of other structures, location of the septic system and vegetation.

Dorothy Carrier moved, seconded by John Papacosma to find that based on the proposed site plan presented to the Planning Board at the September 14, 2005 meeting, the constraints of the lot, the use of best management practices to control erosion, and the setbacks having been met to the greatest practical extent the applicant meets the standards of Basic Land Use Ordinance § 10.3.2 based on information contained within the documentation included in the record and the final site plan dated September 14, 2005. Unanimous Approval

OTHER BUSINESS

Jay Chace informed the Planning Board that a workshop with Mike Morse has been scheduled for October 5, 2005 and invited the Planning Board to attend another workshop presented by Beginning with Habitat to be offered sometime in October or early November. Mr. Chace also provided copies of the proposed changes to the State Shoreland Zoning Ordinance for consideration by the Planning Board.

Mr. Chace also thanked the applicants and town staff for the effort taken to prepare for this meeting given the shortened time frame. Dorothy Carrier also expressed her thanks to the Planning Department and Codes Enforcement Office for their hard work which will allow members of the Planning Board to attend a meeting on the school funding issue.

There being no other business before the Planning Board, Joanne Rogers moved, seconded by Dorothy Carrier to adjourn. Unanimous Approval

Meeting adjourned at 8:30 p.m.

Respectfully Submitted,

Marsha M. Hinton
Planning Assistant